

JEFFREY W. DULBERG (CA STATE BAR NO. 181200)
JEFFREY P. NOLAN (CA STATE BAR NO. 158923)
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: 310/277-6910
Facsimile: 310/201-0760
E-mail: jdulberg@pszjlaw.com
jnolan@pszjlaw.com

Counsel to Bradley D. Sharp, Chapter 11 Trustee

FILED & ENTERED

OCT 11 2023

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY francis DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re

LESLIE KLEIN,

Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

**ORDER GRANTING MOTION OF
CHAPTER 11 TRUSTEE AUTHORIZING
THE EXAMINATION OF VIRTUS
INVESTMENT PARTNERS, INC.
PURSUANT TO FED. R. BANKR. P. 2004**

[No Hearing Required]

On September 20, 2023, Bradley D. Sharp, the duly appointed chapter 11 trustee (the “Trustee”), filed his *Notice of Motion and Motion of Chapter 11 Trustee, for Order Authorizing the Examination of Virtus Investment Partners, Inc. Pursuant to Fed. R. Bankr. P. 2004; Memorandum of Points and Authorities; Declarations of Bradley D. Sharp, Nicholas Troszak and Jeffrey P. Nolan in Support Thereof* (the “Motion”) [Docket No. 364]. The Court, having considered the Motion, the accompanying Memorandum of Points and Authorities, the Declarations in support of the Motion, the exhibit thereto, and based on its review and consideration, the Court finds that (i) notice of the Motion was adequate and appropriate, and no further or other notice need be given; (ii) the authority requested by the Trustee to issue a subpoena substantially in the form identified in the Motion is appropriate; and (iii) good cause exists to grant the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED in its entirety;

2. The Trustee is authorized, pursuant to sections 105(a) and 1106(a)(3) of title 11 of the United States Code (the “Bankruptcy Code”), Rules 2004 and 9016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Bankruptcy Rule 2004-1, to issue and serve a subpoena substantially in the form attached to the Motion as Exhibit I, to compel the attendance of the Proposed Examinee, Virtus Investment Partners, Inc. and /or Virtus Mutual Funds (“Virtus”), for production and testimony on the dates stated therein or such other date as is mutually agreed between Virtus, and the Trustee;¹

3. The Trustee shall serve the Rule 2004 Subpoena and a copy of this Order on (i) Virtus, and (ii) the United States Trustee for the Central District of California and shall file with the Court an affidavit or declaration of service of the Rule 2004 Subpoena;

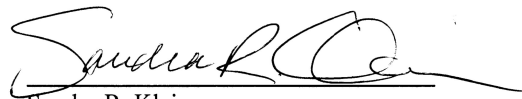
4. In the event of any discovery dispute in relation hereto, counsel and Virtus, shall first meet and confer in an effort to resolve the dispute in accordance with Local Bankruptcy Rule 7026;

5. This order is without prejudice to the Debtor’s right to file further motions seeking additional documents or testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable Bankruptcy Rules; and

6. This Court shall retain jurisdiction to resolve any dispute arising from or related to this order, including any discovery disputes that may arise between or among the parties, and to interpret, implement and otherwise enforce the provisions of this order.

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Date: October 11, 2023


Sandra R. Klein
United States Bankruptcy Judge

¹ Capitalized terms used herein shall have the same meanings ascribed to them in the Motion.